

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RANDOLPH LESLIE BILLS,

Defendant-Appellant.

UNPUBLISHED

May 7, 1999

No. 205116

Newaygo Circuit Court

LC No. 96-006300 FC

Before: Gage, P.J., and Gribbs and Hoekstra, JJ.

MEMORANDUM.

Defendant pleaded nolo contendere to third-degree criminal sexual conduct, MCL 750.520d(1)(b); MSA 28.788(4)(1)(b), and was sentenced to ten to fifteen years' imprisonment. Defendant appeals as of right. We affirm.

Defendant has failed to demonstrate that his trial counsel rendered ineffective assistance of counsel. Assuming without deciding that counsel's representation was constitutionally deficient, *People v Mitchell*, 454 Mich 145, 156; 560 NW2d 600 (1997), defendant has failed to demonstrate that he suffered prejudice where the record does not indicate that the trial court relied on the allegedly inaccurate information when sentencing defendant and where defendant cannot state a cognizable scoring challenge. *Id.*, at 177; *People v Cobbs*, 443 Mich 276, 285; 505 NW2d 208 (1993); *People v Messenger*, 221 Mich App 171, 181-182; 561 NW2d 463 (1997).

Affirmed.

/s/ Hilda R. Gage

/s/ Roman S. Gribbs

/s/ Joel P. Hoekstra